

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ROCKY CREEK PEANUT FARM LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIV. ACT. NO. 1:19-cv-364-ECM
	)	(WO)
GEORGE IRVIN "SONNY"	)	
PERDUE, III,	)	
	)	
Defendant.	)	

**ORDER**

Now pending before the Court is a motion to dismiss without prejudice filed by the Plaintiff. (Doc. 10). Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides that the plaintiff may dismiss an action without court order by "filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Because the Defendant has not filed an answer or a motion for summary judgment, the Plaintiff's motion to dismiss is proper under FED.R.CIV.P. 41(a)(1)(A)(i). Accordingly, upon consideration of the motion, and for good cause, it is

ORDERED that the motion to dismiss (doc. 10) is GRANTED, and this case is DISMISSED without prejudice.

The Clerk of the Court is DIRECTED to close this case.

DONE this 14th day of August, 2019.

/s/ Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE